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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LERNER, DAVID, LITTBENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER	
			KIM, JUNG W	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/088,337	INOKUCHI ET AL.
	Examiner Jung Kim	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-75 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

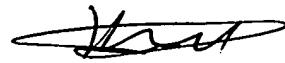
Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This Office action is responsive to the RCE filed on 8/18/06.
2. Claims 1-75 are pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/24/06 has been entered.

Response to Amendment

4. The objection to claim 3 is withdrawn as the amendment over comes the objection.
5. The 112/2nd paragraph rejections to the claims for the inclusion of the term "and/or" are withdrawn as the amendment overcomes the 112/2nd paragraph rejections to these claims.

Response to Arguments

6. In response to Applicant's argument that the claims of the instant application are patentably distinct from the claimed invention of co-pending application 10,088,336, Examiner respectfully disagrees. On pgs. 20-21 of the Remarks, applicant alleges that the claims of application 10,088,336 do not disclose the limitations "enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium ... a first number of times" and "enabling the data recorder and player to record and reproduce the main data to and from the recording medium ... a second number of times which is greater than the first number of times." However, implicit in the following limitations of claim 1 (and its dependant claims) in application no. 10,088,336: "when a recorder is going to record data to the recording medium ..." steps are taken to enable recordation, and of claim 8 (and its dependant claims) in the same application: "when a player is going to play back the recording medium" steps are taken to enable play back, is the step of recording and reproducing main data a plurality of times; the limitation "when a player is going to record data to the recording medium" steps are taken to enable recordation, is equivalent to the step of enabling recordation each time a player is going to record data to the recording medium; and the limitation "when a player is going to play back the recording medium" steps are taken to enable play back, is equivalent to the step of enabling play back each time a player is going to play back the recording medium. Therefore, the limitations, as representative in claim 1, "detecting whether a user identification data server is connected to the data recorder

and player; enabling the data recorder and player to record and reproduce the main data to and from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data *a first number of times*; and enabling the data recorder and player to record and reproduce the main data to and from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, *a second number of times which is greater than the first number of times*" is subject matter consistent with the limitations of the claims in application no. 10,088,336; in particular the limitation "detecting, *when a recorder is going to record data to the recording medium*, whether a terminal unit with a memory having user identification, information recorded therein is connected" as recited in representative claim 1 and the limitation: "*when a player is going to play back the recording medium* containing user identification information intended to identify the user, and data encrypted with the user identification information, causing the player to detect whether a terminal unit with a memory having the user identification information recorded therein is connected to the player ... judging whether the user identification information sent from the terminal unit is coincident with the user identification information read from the recording medium" as recited in representative claim 8 of application 10,088,336 covers the new limitations of the amended claims in the instant application. The provisional double patent rejection with application no. 10,088,336 is maintained.

Applicant's arguments that the prior art of record does not teach "enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium a first number of times when the recording medium user identification data are coincident with the recorder and player user identification data, and enabling the data recorder and player to record and reproduce the main data to and from the recording medium a second number of times which is greater than the first number of times when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player" (Remarks, pgs. 22-23) is not persuasive. On the contrary, the language of applicant's claims defines an invention that is suggested by Mott. In particular, Mott discloses requiring verification of the player id and group id values via a Library server having a player id and a group id tables each time digital data is requested by a user. (col. 12:18-14:23) The fact that the invention of Mott enables a plurality of downloads and reproduction of the downloads, wherein each download and reproduction of the download requires authentication of the user, suggests the limitations of "enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium a first number of times when the recording medium user identification data are coincident with the recorder and player user identification data, and enabling the data recorder and player to record and reproduce the main data to and from the recording medium a second number of times which is greater than the first number of times when the recording medium user identification data are coincident with the recorder and player user

identification data and when the user identification data server is connected to the data recorder and player." For these reasons, the claims remain rejected under the prior art of record.

Double Patenting

7. Claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 and 36-58 of copending Application No. 10,088,336.

8. As per claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75, the limitations of these claims are found in claims 1-33 and 36-58 of copending application no. 10,088,336. In particular, the subject matter of claims 1, 3-5, 11, 13-15, 18-25, 37, 55, 65 and 73 are covered by the subject matter of claims 1-4, 8-12, 16-22, 26-33 and 36-58 of copending application no. 10,088,336; and the subject matter of claims 9, 10, 16, 17, 30-33, 38, 39, 63, 64, 74 and 75 are covered by the subject matter of claims 5, 6, 13, 14, 23, 24 of copending application no. 10,088,336.

Claim Rejections - 35 USC § 112

9. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "enabling the data recorder and player to record and reproduce the main data to and from the recording medium." However, the language of this limitation is ambiguous. It is not clear if the step of enablement includes the data recorder and player recording and reproducing the main data both to and from the recording medium, or if the step of enablement includes the data recorder and player recording main data to the recording medium and reproducing the main data from the recording medium, or some other variation.

Claim Rejections - 35 USC § 102

11. Claims 1, 11 and 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mott et al. USPN 6,170,060. (hereinafter Mott)

12. As per claim 1, Mott discloses a method of recording and reproducing data to a recording medium, comprising the steps of:

- a. comparing recording medium user identification data read from the recording medium upon which are recorded the user identification data along with main data with recorder and player user identification data read from a data recorder and player; detecting whether a user identification data server is connected to the data recorder and player; (col. 13:7-53)

- b. enabling the data recorder and player to record and reproduce the main data to and from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data a first number of times; (14:10-14; 19:24-30) and
- c. enabling the data recorder and player to record and reproduce the main data to and from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. (the enabling step proceeds each time the player records and plays content from the library server; the user identification data server is connected to the data player during this step; 11:25-14:54)

13. As per claim 11, Mott discloses a method of recording data to a recording medium, comprising the steps of:

- d. comparing recording medium user identification data read from the recording medium upon which are recorded the recording medium user identification data along with main data with recorder and player user identification data read from data recorder and player; detecting whether a user identification data server is connected to the data recorder and player; (col. 13:7-53)

- e. enabling the data recorder and player to record the main data to the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data a first number of times; (14:10-14; 19:24-30) and
- f. enabling the data recorder and player to record the main data to the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. (the enabling step proceeds each time the player records and plays content from the library server; the user identification data server is connected to the data player during this step; 11:25-14:54)

14. As per claim 18, Mott discloses a recording-medium recorder, comprising:

- g. a head operable to scan a recording medium upon which are stored recording medium user identification data along with main data; a memory in which are recorded memory user identification data; and a controller operable to compare the recording medium user identification data with the memory user identification data and to control operations for playback of the recording medium based on a result of comparison and to detect whether a user identification data server is connected to the recording-medium recorder; (figs. 1 and 2; col. 13:7-53)

h. wherein the recording-medium recorder is operable to record the main data to the recording medium when the recording medium user identification data are coincident with the memory user identification data a first number of times, (14:10-14; 19:24-30) and

i. wherein the recording-medium recorder is operable to record the main data to the recording medium when the recording medium user identification data are coincident with the memory user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. (the check for coincidence is made each time the player records or plays content from the library server; the user identification data server is connected to the data player during this check; 11:25-14:54)

15. As per claim 19, Mott further discloses when the recording medium user identification data are coincident with the memory user identification data the controller controls the head to record the main data to the recording medium (col. 19:18-30).

16. As per claim 20, Mott further discloses wherein the memory is provided in the user identification data server connected to a data recorder and player (col. 5:65-9:6; fig. 2, reference no. 250).

17. As per claim 21, Mott further discloses wherein the controller makes mutual authentication with the user identification data server when it is judged that the user identification data server is connected to the data recorder and player (col. 11:50-12:13).

18. As per claim 22, Mott further discloses wherein when the authentication is successful the controller instructs the user identification data server to read the memory user identification data (col. 12:8-11; 12:19-13:25).

19. As per claim 23, Mott further discloses wherein the memory user identification data are encrypted and sent from the user identification data server to the controller (col. 13:25-53; 14:24-49; 18:55-19:36).

20. As per claim 24, Mott further discloses wherein when the authentication is not successful the controller ceases recording to the recording medium (col. 12:4-6).

Claim Rejections - 35 USC § 103

21. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Boccon-Gibod et al. US Patent Application Publication No. 20010016836 (hereinafter Boccon-Gibod).

22. As per claim 3, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose encrypting the main data with the recorder and the player user identification data being taken as an encryption key. Boccon-Gibod discloses a method and apparatus for securely distributing multimedia information wherein user information is used to generate an encryption key for the encryption of the multimedia information (pg. 4, paragraph 0039, fig. 7). This method of encrypting the information ensures that only a requesting user having the user information at hand will be able to decrypt and therefore access the multimedia information. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to encrypt the main data with user identification data. One would be motivated to do so to ensure that only those with the proper credentials have unobstructed access to the data (Boccon-Gibod, pg. 4, paragraph 0039, 3rd sentence). The aforementioned cover the limitations of claim 3.

23. As per claims 4 and 5, the rejection of claim 3 under 35 USC 103(a) as being unpatentable over Mott in view of Boccon-Gibod is incorporated herein. (supra) Mott further discloses encrypting and burying the recorder and player identification data in the main data. (a player id and group id is embedded in a digital information file of the main data, such that access to the scrambled main data is only allowed if the player id and group id of the playback device is coincident with the player id and group id embedded in the digital information file; further, a digital signature by means of a secure

hash of the player id and group id is created to assure that these values are not manipulated; col. 18:37-19:35)

24. As per claim 13, it is a claim corresponding to claim 3, and it does not teach or define above the information claimed in claim 3. Therefore, claim 13 is rejected as being unpatentable over Mott in view of Boccon-Gibod for the same reasons set forth in the rejection of claim 3.

25. As per claims 14 and 15, they are claims corresponding to claims 4 and 5, and they do not teach or define above the information claimed in claims 4 and 5. Therefore, claims 14 and 15 are rejected as being unpatentable over Mott in view of Boccon-Gibod for the same reasons set forth in the rejections of claims 4 and 5.

26. Claims 2, 6-8, 12 and 26 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura et al. USPN 6,453,369 (hereinafter Imamura '369)

27. As per claim 2, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose further including management data to manage recordation to and reproduction from the recording medium; and the main data are recorded to and reproduced from the recording medium based on the management data read from the recording medium when the recording

medium user identification data are not coincident with the recorder and player user identification data. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. These additional checks enable flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated (fig. 11). This allows portions of the memory to be designated as secure areas and other areas to remain unsecured (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the apparatus to further record on the recording medium management data to manage recordation to and reproduction from the recording medium; and the main data recorded to and reproduced from the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 2.

28. As per claim 6, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) In addition, Imamura '369 discloses that further recorded in the recording medium are management data to manage recordation to and

reproduction from the recording medium; and the main data are reproduced from the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data (col. 8:45-9:45, especially 9:10-24).

29. As per claim 7, the rejection of claim 6 under 35 USC 103(a) as being anticipated by Mott is incorporated herein. (supra) In addition, Imamura '369 discloses the method further comprising the step of permitting the data reproduction from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data and the recording medium user identification data are specific identification data (col. 8:45-9:45, especially 9:10-24).

30. As per claim 8, the rejection of claim 7 under 35 USC 103(a) as being anticipated by Mott is incorporated herein. (supra) In addition, Imamura '369 discloses the specific identification data indicate that the recording medium is an original one (fig. 15, reference no. S905).

31. As per claim 12, it is a claim corresponding to claim 2, and it does not teach or define above the information claimed in claim 2. Therefore, claim 12 is rejected as being unpatentable over Mott in view of Imamura '369 for the same reasons set forth in the rejection of claim 2.

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32. As per claim 26, the rejection of claim 19 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose further including management data to manage recording to the recording medium, and wherein the controller records the main data to the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the memory user identification data. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. These additional checks enable flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated (fig. 11). This allows portions of the memory to be designated as secure areas and other areas to remain unsecured (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the apparatus to further record on the recording medium management data to manage recording to the recording medium; and the controller records the main data to the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the memory user identification data. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 26.

33. Claims 9, 10, 16 and 17 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Yamakawa et al. USPN 6,738,877 (hereinafter Yamakawa '877).

34. As per claims 9 and 10, the rejection of claim 1 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 9 and 10.

35. As per claims 16 and 17, they are claims corresponding to claims 9 and 10, and they do not teach or define above the information claimed in claims 9 and 10. Therefore, claims 16 and 17 are rejected as being unpatentable over Mott in view of Yamakawa '877 for the same reasons set forth in the rejections of claims 9 and 10.

36. Claim 25 is rejected under 35 USC 103(a) as being unpatentable over Mott.

37. As per claim 25, the rejection of claim 21 under 35 USC 102(e) is incorporated herein. (supra) Furthermore, the step of prompting the user to connect user identification server to the data recorder and player when it is judged that the user identification data server is not connected to the data recorder and player is an obvious enhancement. (e.g. a error popup on the user window of the user terminal) Examiner takes Official Notice of this teaching. One would be motivated to do so since it identifies the problem to the user to facilitate corrective action to be taken for proper operation.

The aforementioned cover the limitations of claim 25.

38. Claim 27-29, 55-59, 65-69 and 73 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369, and further in view of Boccon-Gibod.

39. As per claims 27-29, the rejection of claim 26 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 is incorporated herein. (supra) Mott further discloses when the recording medium user identification data are coincident with the memory user identification data, a header specifying descrambling information specific to the data recorder and player is established and the encrypted main data with the header is transferred to the data recorder and player (col. 13:25-53); wherein the memory user identification data are encrypted and buried in the header (18:55-19:36).

However, neither Mott nor Imamura '369 disclose that the data is encrypted with the user identification information. Boccon-Gibod discloses a method and system for securing stored music and video files by encrypting the files using an encryption key based on user information associated with the user licensing the file, transmitting the encryption key securely to the client and decrypting the encrypted files using the encryption key at the client (pg. 4, paragraph 0039; fig. 7). This arrangement ensures that only the particular user having a license to the file is allowed to decrypt the particular music/video file. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the data to be encrypted with the user identification information and then decrypted to play back the data to ensure that only those who have subscribed to reproduce the data can reproduce the data (Boccon-Gibod, *ibid*). The aforementioned cover the limitations of claims 27-29.

40. As per claims 55-59, they are claims corresponding to claims 26-29, and they do not teach or define above the information claimed in claims 26-29. Therefore, claims 55-59 are rejected as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod for the same reasons set forth in the rejections of claims 26-29.

41. As per claims 65 and 66, they are claims corresponding to claims 55-59, and they do not teach or define above the information claimed in claims 55-59. Therefore, claims 65 and 66 are rejected as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod for the same reasons set forth in the rejections of claims 55-59.

42. As per claims 67-69 and 73, the rejections of claim 66 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod is incorporated herein. (supra) In addition, when the main data user identification data cannot be detected from the main data the operation of reproducing the main data is controlled based on the management data (see rejection of claim 66: the absence of user identification data implies the user identification data of the recorder and player is not coincident); when the main data user identification data are not coincident with the recorder and player user identification data and the main data user identification data are specific identification data the reproduction of the main data is allowed (Imamura '369, fig. 11, steps S506-S510); when the specific identification data indicate that the recording medium is an original one (Mott, 14:24-54, Digital Signature Protocol); and the main data include encrypted data and the main data user identification data are decrypted using the main data user identification data when the main data user identification data are coincident with the recorder and player user identification data (Boccon-Gibod, pg. 4, paragraph 0039, fig. 7).

43. Claims 30-32 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Yamakawa '877.

44. As per claims 30-32, the rejection of claim 18 under 35 USC 102(e) as being anticipated by Mott is incorporated herein. (supra) Mott does not disclose the recorder

and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62).

The aforementioned cover the limitations of claims 30-32.

45. Claim 33 is rejected under 35.USC 103(a) as being unpatentable over Mott in view of Proidl USPN 6,308,269 (hereinafter Proidl).

46. As per claim 33, Mott discloses a recording-medium playback method, comprising the steps of:

- j. comparing recording medium user identification data read from the recording medium upon which are recorded the recording medium user identification data along with main data with recorder and player user identification data read from data recorder and player; detecting whether a user identification data server is connected to the data recorder and player; (col. 13:7-53)

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k. enabling the data recorder and player to reproduce the main data from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data a first number of times; (14:10-14; 19:24-30) and

47. Mott does not disclose enabling the data recorder and player to reproduce the main data from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. Proidl discloses an arrangement for a player to request authorization to reproduce encrypted information by setting up a link to an authorization server, whereby the authorization server verifies the user and enables the player to decrypt the encrypted information and reproduce the information. (col. 9:57-11:15; especially 10:20-59 and 11:1-15) It would be obvious to one of ordinary skill in the art at the time the invention was made to enable the data recorder and player to reproduce the main data from the recording medium when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. One would be motivated to do so to prevent illegal reproduction of the sensitive data by using an efficient means of verifying the access right of the user as disclosed by Proidl, col. 2:25-33. The aforementioned cover the limitations of claim 33.

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48. Claims 34-36, 40, 41 and 44-49 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura.

49. As per claim 34, the rejection of claim 33 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl is incorporated herein. (supra) Mott does not disclose further including management data to manage reproduction from the recording medium; and the main data are reproduced from the recording medium based on the management data read from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. These additional checks enable flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated (fig. 11). This allows portions of the memory to be designated as secure areas and other areas to remain unsecured (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the apparatus to further record on the recording medium management data to manage reproduction from the recording medium; and the main data reproduced from the recording medium based on the management data read from the recording medium when the recording medium

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user identification data are not coincident with the recorder and player user identification data. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 34.

50. As per claim 35, the rejection of claim 34 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein. (supra) In addition, Imamura '369 discloses the method further comprising the step of permitting the data reproduction from the recording medium when the recording medium user identification data are not coincident with the recorder and player user identification data and the recording medium user identification data are specific identification data (col. 8:45-9:45, especially 9:10-24).

51. As per claim 36, the rejection of claim 35 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein. (supra) In addition, Imamura '369 discloses the specific identification data indicate that the recording medium is an original one (fig. 15, reference no. S905).

52. As per claim 40, Mott discloses a recording-medium player, comprising:

- I. a head operable to scan a recording medium upon which are recorded encrypted data as well as at least recording medium user identification data; a memory in which are stored memory user identification data; and a controller operable to compare the recording medium user identification data with the

memory user identification data and to control operations for playback of the recording medium based on a result of comparison and to detect whether a user identification data server is connected to the recording-medium player; (figs. 1 and 2; col. 7:10-64; 13:7-53)

m. wherein the recording-medium recorder is operable to reproduce the main data from the recording medium when the recording medium user identification data are coincident with the memory user identification data a first number of times. (14:10-14; 19:24-30)

53. Mott does not disclose the recording-medium recorder is operable to reproduce the main data from the recording medium when the recording medium user identification data are coincident with the memory user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of times. Proidl discloses an arrangement for a player to request authorization to reproduce encrypted information by setting up a link to an authorization server, whereby the authorization server verifies the user and enables the player to decrypt the encrypted information and reproduce the information. (col. 9:57-11:15; especially 10:20-59 and 11:1-15) It would be obvious to one of ordinary skill in the art at the time the invention was made for the recording-medium recorder to be operable to reproduce the main data from the recording medium when the recording medium user identification data are coincident with the memory user identification data and when the user identification data server is connected to the data recorder and player, a second number of times which is greater than the first number of

times. One would be motivated to do so to prevent illegal reproduction of the sensitive data by using an efficient means of verifying the access right of the user as disclosed by Proidl, col. 2:25-33.

54. Moreover, Mott does not disclose the recording medium including reproduction management data. However, the use of additional information to restrict reproduction of the data is a common feature in the art. This type of information enables flexibility in the way information is accessed and used. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and also, a secondary check is made to determine if a security logical block address is designated (fig. 11). This secondary check allows portions of the memory to be designated as secure areas and other areas to be unsecured (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include reproduction management data in the recording medium. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 40.

55. As per claim 41, the rejection of claim 40 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein when the recording medium user identification data are coincident with the memory user identification data the controller allows the reproduction of the main data from the recording medium (col. 19:26-30).

56. As per claim 44, the rejection of claim 40 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein the memory is provided in the user identification data server connected to a data recorder and player (col. 5:65-9:6; fig. 2, reference no. 250).

57. As per claim 45, the rejection of claim 40 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein the controller makes mutual authentication with the user identification data server when it is judged that the user identification data server is connected to the data recorder and player (col. 11:50-12:13).

58. As per claim 46, the rejection of claim 45 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein. (supra) In addition, Mott further discloses wherein when the authentication is successful the controller instructs the user identification data server to read the memory user identification data (col. 12:8-11; 12:19-13:25).

59. As per claim 47, the rejection of claim 46 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein.

(supra) In addition, Mott further discloses wherein the memory user identification data are encrypted and sent from the user identification data server (col. 13:25-53; 14:24-49; 18:55-19:36).

60. As per claim 48, the rejection of claim 45 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein.

(supra) In addition, Mott further discloses wherein when the authentication is not successful the controller ceases recording to the recording medium (col. 12:4-6).

61. As per claim 49, the rejection of claim 45 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Imamura '369 is incorporated herein.

(supra) Furthermore, the step of prompting the user to connect user identification server to the data recorder and player when it is judged that the user identification data server is not connected to the data recorder and player is an obvious enhancement. (E.g. a error popup in a user's window on the user's terminal) Examiner takes Official Notice of this teaching. One would be motivated to do so since it identifies the problem to the user to facilitate corrective action to be taken for proper operation.

62. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Proidl and Boccon-Gibod.

63. As per claim 37, the rejection of claim 33 under 35 USC 103(a) is incorporated herein. (supra) Mott does not disclose encrypted data are recorded on the recording medium; and the main data read from the recording medium are decrypted using the recording medium user identification data as an encryption key when the recording medium user identification data are coincident with the recorder and player user identification data. Boccon-Gibod discloses a method and apparatus for securely distributing multimedia information wherein user information is used to generate an encryption key for the encryption of the multimedia information (pg. 4, paragraph 0039, fig. 7). This method of encrypting the information ensures that only a requesting user having the user information at hand will be able to decrypt and therefore access the multimedia information. In addition, Boccon-Gibod discloses transmitting the encryption key securely to the client and decrypting the encrypted files using the encryption key at the client (pg. 4, paragraph 0039; fig. 7). It would be obvious to one of ordinary skill in the art at the time the invention was made for the encrypted data to be recorded on the recording medium; and the main data read from the recording medium is decrypted using the recording medium user identification data as an encryption key when the recording medium user identification data are coincident with the recorder and player user identification data to ensure that only those who have subscribed to reproduce the data can reproduce the data (Boccon-Gibod, *ibid*). The aforementioned cover the limitations of claim 37.

64. Claims 38 and 39 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Proidl and Yamakawa.

65. As per claims 38 and 39, the rejection of claim 33 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 38 and 39.

66. Claims 42, 43, 50 and 51 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Proidl, Imamura and Imamura '369.

67. As per claim 42, the rejection of claim 41 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl, Imamura '369 is incorporated herein. (supra) Mott does not disclose encrypted data are recorded on the recording medium; and the

main data read from the recording medium are decrypted using the recording medium user identification data as an encryption key when the recording medium user identification data are coincident with the recorder and player user identification data. Boccon-Gibod discloses a method and apparatus for securely distributing multimedia information wherein user information is used to generate an encryption key, the encryption key is used to encrypt the multimedia information, and wherein the encryption key is used to decrypt the encrypted multimedia information (pg. 4, paragraph 0039, fig. 7). This method of encrypting the information ensures that only a requesting user having the user information at hand will be able to decrypt and therefore access the multimedia information. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for encrypted data to be recorded on the recording medium; and the main data read from the recording medium are decrypted using the recording medium user identification data as an encryption key when the recording medium user identification data are coincident with the recorder and player user identification data. One would be motivated to do so to ensure that only those with the proper credentials have unobstructed access to the data (Boccon-Gibod, pg. 4, paragraph 0039, 3rd sentence). The aforementioned cover the limitations of claim 42.

68. As per claim 43, the rejection of claim 42 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl, Imamura '369 and Boccon-Gibod is incorporated herein. (supra) Mott does not disclose when the recording medium user

identification data cannot be detected the controller controls the operations for playback of the recording medium based on the reproduction management data read from the recording medium. However, the use of auxiliary checks to determine use conditions when the primary check condition is not valid is a common operation in the art. This additional check enables flexibility in the manner information is accessed. For example, Imamura '369 discloses a method and system for access protection in a data storage device, wherein access to the data storage is enabled when the device identifier is the same as the device identifier on the medium, and when the device identifier is not coincident, a secondary check is made to determine if a security logical block address is designated (fig. 11). This allows portions of the memory to be designated as secure areas and others to be designed as unsecured areas (col. 8:45-60). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include the step of when the recording medium user identification data cannot be detected the controller controls the operations for playback of the recording medium based on the reproduction management data read from the recording medium. One would be motivated to do so for greater flexibility in securing data (Imamura '369, col. 8:45-60). The aforementioned cover the limitations of claim 43.

69. As per claim 50, the rejection of claim 43 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl, Imamura '369 and Boccon-Gibod are incorporated herein. (supra) In addition, Imamura '369 further discloses that when the recording medium user identification data are not coincident with the user identification

data memory and the recording medium user identification data are a specific identification data the controller allows the reproduction of data from the recording medium (fig. 11, steps S506-S510).

70. As per claim 51, the rejection of claim 50 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl, Imamura '369 and Boccon-Gibod is incorporated herein. (supra) In addition, wherein the specific identification data indicate the recording medium is an original one (Mott, 14:24-54, Digital Signature Protocol).

71. Claims 52-54 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Proidl, Imamura '369 and Boccon-Gibod, and further in view of Yamakawa '877.

72. As per claims 52-54, the rejection of claim 50 under 35 USC 103(a) as being unpatentable over Mott in view of Proidl, Imamura '369 and Boccon-Gibod is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and

player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 52-54.

73. Claims 60-62 and 70-72 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod, and further in view of Hioki et al. USPN 6,681,105 (hereinafter Hioki).

74. As per claims 60-62, the rejections of claim 56 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod are incorporated herein. (supra) Mott does not disclose when the management data indicates that billing is required for copying the main data, it is judged whether the billing is possible and the copying is performed when a result of judgment indicates that the billing is possible, wherein the billing is such that a number of times that main data can be copied is decremented, wherein when it is judged that the billing is not possible and the number of times main data can be copied is not incremented, the copying operation is ceased. Hioki discloses a digital recording system wherein determination of whether or not main data is to be billed is based on program information received; if pay is required then the billing requirement is displayed to the user (col. 9:60-10:10). This system is set up so that pay is required for each recording, wherein when the user pays for the recording, the recording is recorded based on the number of copy counts, and if the user refuses

to pay for the recording, the recording is not recorded (10:16-29). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the method to further include the steps of when the management data indicates that billing is required for copying the main data, it is judged whether the billing is possible and the copying is performed when a result of judgment indicates that the billing is possible, wherein the billing is such that a number of times that main data can be copied is decremented, wherein when it is judged that the billing is not possible and the number of times main data can be copied is not incremented, the copying operation is ceased. One would be motivated to do so to restrict access to a recording based on a fee settlement (Hioki, *ibid*). The aforementioned cover the limitations of claims 60-62.

75. As per claims 70-72, they are claims corresponding to claims 60-62 and 66, and they do not teach or define above the information claimed in claims 60-62 and 66. Therefore, claims 70-72 are rejected as being unpatentable over Mott in view of Imamura '369, Boccon-Gibod and Hioki for the same reasons set forth in the rejections of claims 60-62 and 66.

76. Claims 63, 64, 74 and 75 are rejected under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod, and further in view of Yamakawa '877.

77. As per claims 63 and 64, the rejection of claim 55 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 63 and 64.

78. As per claims 74 and 75, the rejection of claim 65 under 35 USC 103(a) as being unpatentable over Mott in view of Imamura '369 and Boccon-Gibod is incorporated herein. (supra) Mott does not disclose the recorder and player user identification data includes a user name or that a user sets the identification data. Yamakawa '877 discloses including a user name in a recorder and player user identification and allowing the user to set the password to access the contents of a portable storage medium (figs. 4-12). User set identification enables security to stored data via user identification that the user will remember. Therefore, it would be obvious to one of ordinary skill in the art

at the time the invention was made for the recorder and player user identification data to include a user name and to allow the user to set the identification data. One would be motivated to do so to enable security using a simple management of a password (Yamakawa '877, col. 1:55-62). The aforementioned cover the limitations of claims 74 and 75.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See enclosed PTO-892.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JK
October 6, 2006



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